

REMARKS

This response is intended as a full and complete response to the non-final Office Action mailed February 5, 2008. In the Office Action, the Examiner notes that claims 1, 3-8, 10-13 and 15-17 are pending and rejected. By this response, Applicant has amended claims 1, 7, 11, 15 and 16 and canceled claim 8. Support for the amendments to claims 1, 7 and 16 may be found in the parent application serial number 07/991,074 on page 105, lines 6-11.

In view of both the amendments presented above and the following discussion, Applicant submits that none of the claims now pending in the application are anticipated under the provisions of 35 U.S.C. §102. Thus, Applicant believes that all of the claims are now in allowable form.

It is to be understood that Applicant, by amending the claims, does not acquiesce to the Examiner's characterizations of the art of record or to Applicant's subject matter recited in the pending claims. Further, Applicant is not acquiescing to the Examiner's statements as to the applicability of the prior art of record to the pending claims by filing the instant response including amendments.

Claim Objections

Claims 11 and 15 are objected to for various informalities. Applicant has amended the claims as suggested by the Examiner. As such, Applicant respectfully requests that the Examiner's objections be withdrawn.

35 U.S.C. §102 Rejection of Claims 1, 3-8, 10-13 and 15-17

Claims 1, 3-8, 10-13 and 15-17 are rejected under 35 U.S.C. §102(e) as being anticipated by Strubbe (5,223,924, hereinafter "Strubbe '924") (incorporating by reference Strubbe et al. (5,047,867). The rejection is traversed.

Anticipation requires the presence in a single prior art disclosure of each and every element of the claimed invention, arranged as in the claim. The Strubbe '924 reference fails to disclose each and every element of the claimed invention, as arranged in independent claim 1.

Applicant's claim 1 recites:

1. A set top terminal for generating an interactive electronic program guide for display on a television connected to the set top terminal, the terminal comprising:

means for retrieving information via a program control information signal of a program selected from a plurality of programs and watched by a subscriber;
means for storing said information;

means for identifying frequently-watched programs most often watched by said subscriber based upon said stored information;

means for receiving a television signal;
means for extracting individual programs from the television signal;
means for generating an electronic program guide for controlling display of content on a television screen, the guide comprising:

a favorites menu including names of programs available for selection, wherein the programs included in the favorites menu are based on the identified frequently-watched programs;

means for receiving selection signals from a user input of a program that will be broadcast at a future time selected from said favorites menu;

means for notifying said subscriber that a change of channel is eminent based upon nearing said future time of said program that will be broadcast at said future time; and

means for changing said channel to said program at said future time.

Strubbe '924 fails to teach or suggest at least "means for identifying frequently-watched programs most often watched by said subscriber based upon said stored information" and "means for notifying said subscriber that a change of channel is eminent based upon nearing said future time of said program that will be broadcast at said future time," as recited in claim 1.

Strubbe '924 discloses a user interface which can access downloaded TV program information and automatically correlate this information with the preferences of the user. The correlation is created by receiving input from a user as to whether the user "likes" or "dislikes" the program. (See Strubbe '924, col. 4, ll. 59-64). Alternatively, the system may automatically register a "like" response if a user records or watches a program for longer than a given amount of time. (See *Id.* col. 5, ll. 23-32).

The Examiner further highlights Strubbe '924 at column 5, lines 23-32. The Examiner asserts that Strubbe '924 teaches a passively monitoring a viewer in the above cited sections. The Applicants respectfully submit that although Strubbe '924 at column 5, lines 23-32 may teach one method of passively monitoring a viewer, the method taught by Strubbe '924 is not the same as the method taught by the Applicants' invention.

To illustrate, the Applicants' invention teaches means for identifying frequently-watched programs most often watched by said subscriber based upon said stored information. In other words, the Applicants' invention monitors the number of times (i.e. frequently watched) a program is watched. As a result, more accurate trends may be detected over a period of time.

In contrast, Strubbe '924 teaches that a "like" indication may be recorded when a viewer watches a program a single time for longer than a given amount of time. (See Strubbe '924, col. 5, ll. 23-32). Notably, this method may provide numerous false positives and be less accurate than the Applicants' invention. For example, a viewer watching a program for 15 minutes may never return to that program again, however, in Strubbe '924 the program will be identified as being "liked" by the viewer. Unlike Strubbe '924, the same program in the Applicants' invention would probably not be identified as being "favorite" of the viewer because it was only watched once. In other words it would not be classified as a "frequently-watched program". Identifying "favorites" based on stored information over a period of time, as taught by the Applicants' invention, provides a more accurate analysis of "favorites" than that taught by Strubbe '924.

Furthermore, Strubbe '924 fails to teach or suggest "means for notifying said subscriber that a change of channel is eminent based upon nearing said future time of said program that will be broadcast at said future time." As such, independent claim 1 is not anticipated by Strubbe '924. Independent claims 7 and 16 recite relevant limitations similar to those recited in independent claim 1. Accordingly, for at least the same reasons discussed above, independent claims 7 and 16 also are not anticipated by Strubbe '924.

Furthermore, claims 3-6, 10-13, 15 and 17 depend, directly or indirectly from independent claims 1, 7 and 16, while adding additional elements. Therefore, these dependent claims also are not anticipated by Strubbe '924 for at least the same reasons discussed above in regards to independent claims 1, 7 and 16. Therefore, Applicant respectfully requests that the Examiner's rejection be withdrawn.

CONCLUSION


Thus, Applicant submits that all of the claims presently in the application are in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall or Jimmy Kim, at (732) 530-9404, so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

Dated: _____

s/slor



Eamon J. Wall
Registration No. 39,414
Attorney for Applicant(s)

PATTERSON & SHERIDAN, LLP
595 Shrewsbury Avenue, Suite 100
Shrewsbury, New Jersey 07702
Telephone: 732-530-9404
Facsimile: 732-530-9808